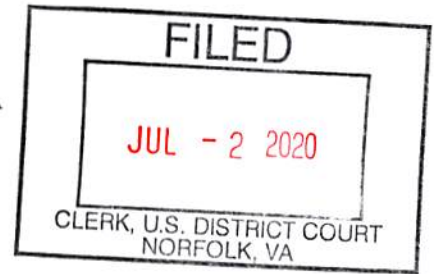


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RICHARD F. WILLIAMS, #70408-056,

Petitioner,

v.

ACTION NO. 2:19cv235

JUSTIN ANDREWS, Warden,¹

Respondent.

FINAL ORDER

Petitioner Richard F. Williams (“Williams”), a federal inmate convicted in the Eastern District of North Carolina and housed in the Federal Correctional Institution in Petersburg, Virginia, filed a *pro se* petition, pursuant to 28 U.S.C. § 2241. ECF No. 1. Williams challenges his conviction and sentence, asserting the conduct of which he was convicted is no longer criminal. *Id.* at 5–6.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed May 11, 2020, recommends that respondent’s motion to dismiss the petition for a writ of habeas corpus, ECF No. 1, be denied and dismissed without prejudice for lack of jurisdiction, and

¹ After the filing of the petition, Justin Andrews was appointed warden of FCC Petersburg. It is **ORDERED** that the petition shall be deemed amended to substitute Justin Andrews, Warden, as the sole respondent in this proceeding.

that Williams's motion for default judgment, ECF No. 12, be denied. ECF No. 21. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge, and Williams filed his objections on May 26, 2020. ECF No. 23.

The Court, having reviewed the record and examined the objections filed by Williams to the report and recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that the petition for a writ of habeas corpus, ECF No. 1, is **DENIED** and **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction. It is further **ORDERED** that Williams's motion for default judgment, ECF No. 12, is **DENIED**.

Williams has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 327, 335–36 (2003).


Williams is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Williams intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Williams may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall forward a copy of this final order to Williams and counsel of record for respondent.



Raymond A. Jackson
United States District Judge

Raymond A. Jackson
United States District Judge



Norfolk, Virginia
July 1, 2020